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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,340	01/26/2001	Alastair M. Reed	EWG-136 US	6795
23735	7590	01/25/2006	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008				AHMED, SAMIR ANWAR
ART UNIT		PAPER NUMBER		
		2623		

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/771,340	REED ET AL.	
	Examiner	Art Unit	
	Samir A. Ahmed	2623	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amnd. filed 10/28/05.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9,11-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1,3-5,8,9,11,12,18 and 20 is/are allowed.
- 6) Claim(s) 2,6,7,13-17 and 19 is/are rejected.
- 7) Claim(s) 22-23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. The amendment filed 10/28/05 have been entered and made of record.
2. The citation on page 2, last paragraph and on page 3, lines 1-2 of the previous Office Action are typographical errors and it is clear from the citation that the intended citation is (page 1, lines 13-14) and (page 1, lines 16-17) which clearly exist in the background section.
3. Applicant's arguments filed 10/28/05 have been fully considered but they are not persuasive for the following reasons:

As to claim 2, Applicant alleges, "a projection axis corresponding to a direction [,]" (page 10, lines 10-12). The Examiner disagrees. The Background section discusses projecting color changes onto a luminance axis along a particular color axis (page 1, lines 13-14), and calculating the luminance values (color characteristics) in an area surrounding a particular pixel (page 1, lines 16-17), which reads on the claims as broadly claimed.

As to claim 13, Applicant alleges, "determining by examining color of [,]" (page 11, lines 23-26). The Examiner disagrees. The Background section discusses projecting color changes onto a luminance axis along a particular color axis (page 1, lines 13-14), and calculating the luminance values (color characteristics) in an area surrounding a particular pixel (page 1, lines 16-17) A non-linear filter can, in effect, calculate a value for each pixel based upon the value of the surrounding pixels (page 2, lines 1-7)

As to claims 17, 19 Applicant alleges, " The Kawakami reference is not understood to determine a color direction [,]" (page 13, lines 7-14). The Examiner disagrees. Kawakami discloses converting a color signal into I, C1, C2. C1 and C2

indicate color difference in a color direction and adding (embedding) in the direction from blue to yellow (first color direction) (col. 5, lines 3-45, lines 64-66). The direction of the color difference is determined from 1 to n pixels (col. 8, lines 38-41).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 2, 13-14, 16, are rejected under 35 U.S.C. 102(a) as being anticipated by Background of the instant Application. The grounds for rejections stated in paragraph 4 of the Office Action mailed on 01/11/05, are incorporated by reference herein.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami et al. (U.S. 5,652,626). The grounds for rejections stated in paragraph 6 of the Office Action mailed on 01/11/05, are incorporated by reference herein.

As to claim 17, Kawakami et al disclose a method of inserting first and second watermark in an image comprising:

Inserting said first watermark in said image in a first color direction and inserting said second watermark in a color direction orthogonal to the color direction of said first watermark (col. 5, lines 3-45, lines 64-66; col. 8, lines 38-41; column 17, Lines 30-67; column 18, Lines 1-66. Formulas 37-39 illustrate different watermarks are embedded in first, second and three color directions (R, G and B in RGB color space. These directions are inherently orthogonal.).

As to claim 19 refer to claim 19 rejection rejections stated in paragraph 6 of the Office Action mailed on 01/11/05, are incorporated by reference herein.

8. Claims 2, 6-7, and 13-17, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Braudaway et al. (U.S. 5,825,892). The grounds for rejections stated in paragraph 7 of the Office Action mailed on 01/11/05, are incorporated by reference herein.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-7 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Background of the instant application. The grounds for rejections stated in paragraph 9 of the Office Action mailed on 01/11/05, are incorporated by reference herein.

1. Claim 12 is a means for performing specific function without the recital of structure, material or acts in support thereof, and the claims shall be construed to cover the corresponding structure, material, or acts described in the specification in page 3, line 11-page 6, line 16 and equivalents thereof according to 35 USC 112, 6th paragraph.

11. Claims 1, 3-5, 8-9, 11-12, 18, 20 are allowed.

12. Claims 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is (571) 272-7413. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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